IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No.22754 of 2004

Between:

G.T.Swamy S/o.Laxmaiah
R/o K.Gopavaram (V), Via Dharmajiguda,
Lingapalem (M), West Godavari Dist.

..... PETITIONER

AND

1. The A.P.State Road Transport Corporation rep by Managing Director, Musheerabad, Hyderabad.
2. The A.P.S.R.T.C Divisional Manager
   Eluru Division, Eluru, West Godavari Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the orders passed by the 2nd respondent in Proceedings 01/813 (2)/2002-DVM-ELR dt 23-01-2003 in disengaging the services of the petitioner by allotting the Conductor namely Sri R.N.V.R.Rao Conductor E.No.358915 (Junior Most Conductor) of Vidyadharapuram Depot, who belongs to Krishna Region, as arbitrary, illegal, unjust, contrary to law, amounts to un-fair Labour practice, victimization, contrary to circulars of corporation in violation of sections 25(F),25(G),25(N) of Industrial Disputes Act and also in violation of Articles 14 and 21 of the Constitution of India and consequently set aside the same.

Counsel for the Petitioner :MR.P.SRIDHAR RAO

Counsel for the Respondent Nos.1 and 2: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court at the admission stage made the following ORDER :

Heard the learned counsel appearing for both the parties.

The petitioner herein has been selected as a conductor by a properly constituted selection committee of West Godavari region. His services have been engaged depending upon the workload. While so, to deprive the petitioner and others of their livelihood, some of the regular conductors from Krishna region have been transferred to West Godavari region by the respondent-Corporation and the petitioner has been disengaged by transferring R.N.V.R.Rao, conductor belonging to Vidyadharaopuram Depot of Krishna Region.

Learned counsel for the petitioner submits that in fact, the petitioner has been selected prior to the persons who were brought from Krishna region. Therefore, the petitioner is senior and there is no justification on the part of the respondents to bring the persons to West Godavari region, who are appointed subsequent to the petitioner and that too in a different zone. Admittedly, for the purposes of appointment and seniority, region is treated as an unit and even if any request of a person belonging to another unit/region for transfer is made, it has to be considered on the condition that he would lose seniority in the transferee region. He further submits that if such practice as is being adopted by the respondents is permitted, then the appointing authority in the Krishna region will regularize the services of the conductors appointed in Krishna region and send them to other regions to deprive the rights of the conductors in other regions, who have been selected by a properly constituted committee.

It is represented that in similar circumstances in W.P.No.25973 of 2003 and batch dated 16.09.2004 pursuant to the interim direction granted therein, the petitioners therein were reengaged, and the writ petitions were disposed of in terms of the interim direction.

Having regard to the facts and circumstances of the case, this writ petition is disposed of with a direction to the respondents to consider the case of the petitioner for his reengagement in case his junior has been transferred from Krishna region and deputed to work in place of the petitioner. No costs.

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K.C. BHANU, J

Dated : 13th December, 2004.

Note: Furnish C.C., in two days.

(B/O)

SH

To

1. The Managing Director, A.P.State Road Transport Corporation,
Musheerabad, Hyderabad.
2. The A.P.S.R.T.C Divisional Manager
Eluru Division, Eluru, West Godavari Dist.

3. 2CD copies.